



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (M/S) No. 2586 of 2024

26th September, 2024

Ms Hindustan Enterprises

.....Petitioner

Versus

State of Uttarakhand and others

.....Respondents

Presence:-

Mr. C.K. Sharma and Mr. Nitin Tewari, Advocate for the petitioner.

Mr. Anil Kumar Dabral, learned Additional Chief Standing Counsel with Mr. Yogesh Chandra Tiwari, learned Standing Counsel for the State.

Hon'ble Pankaj Purohit, J.

By means of this writ petition, the petitioner has challenged the order dated 13.01.2023, passed by respondent no.3 (annexure no.6), whereby timber of the petitioner has been confiscated under Section 52-A (1) of the Indian Forest Act, 1927 (Uttaranchal Amendment) (hereinafter referred to as "Act of 1927").

2. It is submitted by learned counsel for the petitioner that before passing any order of confiscation under Section 52-A (1) of Act of 1927 an opportunity of hearing is to be given to the person whose property is ceased/confiscated.

3. Learned counsel for the respondent/State submits that against the aforesaid order an appeal is prescribed under Section 52-B of the Act of 1927 before Conservator of Forest and the writ petition therefore is not maintainable.

4. Learned counsel for the petitioner did not dispute the said fact that the order under challenged in the present writ petition is appealable.

5. Accordingly, the writ petition is permitted to be withdrawn with liberty to the petitioner to prefer an appeal under



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Section 52-B of the Act of 1927 before the Conservator (Forest), within a period of one week from today and all questions which have been set forth before this Court shall be left open before the Appellate Court.

6. Accordingly writ petition is dismissed as withdrawn with aforesaid liberty.

(Pankaj Purohit, J.)
26.09.2024

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SHUBHAM
KAPRUWAN